

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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AMERICAN CHEMISTRY COUNCIL, and  
AMERICAN FUEL & PETROCHEMICAL  
MANUFACTURERS,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

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No. 23-1204

**PETITIONERS' NONBINDING STATEMENT OF ISSUES**

Pursuant to this Court's order of August 9, 2023 (ECF 2011606), Petitioners American Chemistry Council ("ACC") and American Fuel & Petrochemical Manufacturers ("AFPM") hereby submit the following nonbinding statement of the issues presented for review:

Whether EPA's final rule,<sup>1</sup> which governs the assertion and treatment of confidential business information claims for information reported to or otherwise obtained by EPA under the Toxic Substances Control Act ("TSCA") is contrary to

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<sup>1</sup> Confidential Business Information Claims Under the Toxic Substances Control Act, 88 Fed. Reg. 37,155 (June 7, 2023)

TSCA, unreasonable, arbitrary and capricious, an abuse of discretion, without adequate explanation of its reasoning, or otherwise not in accordance with law.

This is a preliminary statement of the issues that ACC and AFPM may raise. ACC and AFPM reserve their right to modify this statement of issues, as well as to raise these and other issues.

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Dated: September 8, 2023

Respectfully submitted,

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